

1893-006

Lee Co.

Chancery Causes: William H. Hobbs vs. Mary E. Hobbs &c

Bales

1 Flat

CA - Estate Dispute  
T. Property

- Deed



1 To the Hon. H. S. K. Merison Judge of the Circuit  
2 Court of Lee County Virginia:

3 Your Orator Wm. H. Hobbs a citizen of said County,  
4 would respectfully represent, that he and his brother, one  
5 Harry C. Hobbs, some years ago, purchased jointly of one  
6 James Bartley, a tract of land containing 176 acres, lying  
7 and being in said County of Lee on Spital Branch a stream of  
8 Martins Creek about 14 or 15 miles West of the Court House, and  
9 by deed dated the 4<sup>th</sup> day of October 1884 the original of  
10 which is herewith filed marked (A) the said James Bartley con-  
11 veyed said tract of land to your Orator and said H. C. Hobbs  
12 jointly and while the matter thus stood, your Orator and said  
13 H. C. Hobbs, mutually agreed between <sup>them</sup> <sub>A</sub> as to how said tract  
14 of land should be divided, so as to be equal in value, and each  
15 one of them took possession of the particular parcel so falling  
16 to each other by the terms of said line of partition, But your Orator  
17 states that the said partition so agreed upon between the said  
18 H. C. Hobbs and himself was never consummated, by the execution  
19 of proper deeds of conveyance one to the other:

20 Your Orator states that in the month of Oct 1884 the said  
21 H. C. Hobbs departed this life intestate in said County leaving a  
22 widow, Rosandra Hobbs surviving him, and he also left three  
23 children his heirs at law to wit Mary E. Hobbs, W. H. Hobbs and  
24 H. M. Hobbs all of whom are infants under 21 years of age

25 Your Orator states that since the death of H. C. Hobbs, his widow  
26 the said Rosandra, has remarried with, and is now the wife  
27 of H. C. Bales Your Orator states that at the death of said H. C. Hobbs  
28 <sup>the title to</sup> his undivided half of said tract of land, descended and passed  
29 to his said three children above named, subject to the dower right  
30 of his widow, now the wife of said H. C. Bales then;

31 The premises considered Your Orator is advised that he  
32 is entitled in a court of equity to have said tract of land



1 partitioned between said three infants and himself, and  
2 to attain that end is the object of this bill:

3 The prayer of your Orator therefore is that the said Mary  
4 E. Hobbs W. W. Hobbs H. M. Hobbs H. B. Bales and Gasmond Bales be  
5 made defendants to this bill and be required to answer the same  
6 on oath, that a guardian ad litem be appointed for said Mary E.  
7 W. W. + H. M. Hobbs to defend their interest in this cause. And  
8 upon a hearing thereof a decree be entered ordering a partition  
9 of said land, and commissioners appointed to make such division  
10 And if in any wise mistaken in this his Special prayer  
11 then your Orator prays for all general relief, May the com-  
12 monwealth writ of Habeas Corpus issue directed &c.

13 Henry J. Morgan for Pettr  
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William N. Hobbs

vs. <sup>Wm. N. Hobbs</sup> Bill for Partition

Marg E. Hobbs & Others:

1893 1st May Rules Bill filed  
Spa accepted by adult Defts  
" Ans. to A. L. filed for Defts  
and Decree nisi  
" 2nd May Rules D. nisi Conf  
& Cause put for hearing by Jff.  
" June Term Decree for  
partition & Contd  
" Nov. Term Decree  
final O.B. 523-4

H.C. \$7.85  
D.A.L. 5.00  
M.C. 2.59  
S. 1.50  
A. 16.00  
Cours. 10.00  
Co.C. 1.68  
\$43.62  
chd page 91



Wm. N. Hobbs

Plffs

vs

Sub Chaney

Mary E. Hobbs et al Defts

To the Hon. H. S. K. Morrison  
Judge of the Circuit Court for Lee  
County:

The separate answer of  
Mary E. Hobbs, W. W. Hobbs & H. M.  
Hobbs Infants and minor heirs of  
Henry C. Hobbs decd, to a Bill in  
Chancery filed in Your Honors  
Court as styled above - against  
these and other Defendants, by  
J. A. S. Syatt their Guardian  
ad litem, and for answer  
these respondents know of no  
reason why their interest in  
said land should not be parti-  
tioned to them & their Mother  
Leassinda Bales nee Hobbs. Their  
interest will doubtlessly be enhanced  
by such partition, but should they  
be in this mistake, they kindly  
place their rights and interests in  
Your Honors hands, where they are  
certain they will be closely guard-  
ed and protected. Respectfully

Mary E., W. W., & H. M. Hobbs

By J. A. S. Syatt Guardian ad litem



Wm N. Hobbs  
Aus G. A. L

vs

Mary E. Hobbs et al  
Filed 1<sup>st</sup> May Rules  
1893. J. A. C. Hyatt

G. A. L fee 5.00



Wm N Hobbs

Plff

vs.

In Chy

Mary E Hobbs & others Defs

This cause came on this day to be finally heard and determined on the papers heretofore read therein, and the report <sup>and exhibit therewith</sup> of C. B. Ellsall Wm H Speak and Thomas R. Corbally the commissioners heretofore appointed in this cause to partition the lands in the bill mentioned dated Aug. 25 and filed in the cause Aug 28<sup>th</sup> 1893. And was argued by counsel, and the said report and plat being unaccepted to, on consideration of all which it is adjudged ordered and decreed that said report be and the same is hereby confirmed, and pursuant to said report it is adjudged ordered and decreed that the plaintiff Wm N. Hobbs. take and hold by title firm and stable, lot No. 1 as shown on said plat and according to the courses and distances as said down in said report. free from the claim of the other parties. And that Mary E Hobbs, W. W. Hobbs and H. M. Hobbs the infant defendants so take and hold free from the claim of the plaintiff W. N. Hobbs lot No. 2 as shown on said plat, and according to the courses and distances as set out in said report, but they are to take and hold said lot No. 2 subject to the claim of Casandier Sales Thessen, and the clerk of this will deliver to the



Wm N Hobbs

100 { Decree final for

Mary E Hobbs et al

Entered Ch OVB. p 123+24

Nov. 14<sup>th</sup> 1893.

Recorded Deed Book

No 29 Page 572

J. F. Richmond  
Clerk

Entered this

Nov. 14 / 1893

H. S. K. M.

clerk of the county court for recordation, Copies  
of the former decree in this cause, said commissions  
refect and plot, and this decree, and it is  
adjudged that the plaintiff ~~is~~ against and  
the heirs of Henry C. Hobbs did pay the costs of this  
suit in equal proportions, and no further action  
being necessary in the cause the parties are  
hence dismissed and the cause is struck from the  
docket.



1 William N Hobbs

Plff

2 vs

3 Mary E. Hobbs & others

Defts

In Chy

4 This cause came on this day to be heard on the bill of the Plff  
5 & exhibit therewith taken for confessed by the defendants H. B. Bales and  
6 Casandra Bales, and the answer of John H. Hyatt guardian ad litem  
7 for the three infant defendants, and was argued by counsel, on consideration  
8 of all which it appears to the court, that the Plaintiff is entitled  
9 to have the tract of land in his bill mentioned partitioned between  
10 himself and the three infant defendants. And to attain this end  
11 it is adjudged ordered and decreed that Charles L. Elliott, Wm  
12 H. Sprick & Thomas Rosenbaum be appointed commissioners for the purpose  
13 who will go upon the tract of land in the bill mentioned, and will  
14 take into consideration the quantity and quality of said land, the  
15 conveniences and inconveniences connected therewith, and upon  
16 this basis they will divide said tract of land into two equal parts  
17 as near as possible in value, and one of these parcels so divided  
18 they will assign and allot the Plff, and the other they will assign and  
19 allot to Mary E. Hobbs, W. N. Hobbs & H. M. Hobbs to be held by them in equal  
20 proportion, subject to the dower right of Casandra Bales therein for life  
21 and said commissioners will report their action to the court  
22 and the cause is continued



Wm N Hobbs

Sum No 1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

Mary E. Hobbs others

Entered Chy O.B. 475

June 7<sup>th</sup> 1893

Ofyatt Co.

Record Book IX

No 29 Page 510

S.V. F.R. C.C.

Enter this

June 7 1893

H. L. C. C.



Virginia.

At a circuit court continued  
and held for Lee County at the  
Court house thereof June 6<sup>th</sup> 1893

Wm. N. Hobbs

Plff 3

3 Dubbey

vs

Mary E. Hobbs et al

Def 3

# # # — It appears to  
the Court, that the Plaintiff  
is entitled to have the tract  
of land in his bill mentioned  
partitioned, between himself  
and the three infant defend-  
ants, and attain this  
end, it is adjudged ordered  
and decreed that Charles E.  
Elliott, Wm. H. Speaks and  
Thomas Rosenb. be appo-  
inted Commissioners for the  
purpose, who will go upon  
the tract of land in the  
bill mentioned, and will  
take into consideration, the  
quantity and quality of said  
land, the conveniences & inconveniences  
connected therewith, and upon  
this basis, they will divide  
said tract of land into two  
equal parts, as near as



# to the P<sup>off</sup>  
and the  
other they  
will assign  
and allot

possible in value, and one  
of these parcels so divided  
they will assign and allot  
to Mary E. Hobbs, W. W. Hobbs,  
and H. M. Hobbs to be held by  
them in equal proportion  
Subject to the dower right  
of Cassandra Bales therein for  
life, and said Commissioners  
will report their action to this  
court and the cause is con-  
tinued.

3 copies

A Copy  
Tested J. A. G. Hyatt ©

Wm. N. Hobbs  
Copy of  
M. E. Hobbs  
M. E. Hobbs  
M. E. Hobbs  
M. E. Hobbs et al

Executed by delivery  
a true copy of the  
within to M. E. Hobbs  
Wm. N. Hobbs  
Rosenbalm this July  
15-1893

J. A. G. Hyatt  
for M. E. Hobbs  
D. G. L.



Wm N Hobbs Plff  
V. S.  
Mary E Hobbs et al. Defs. } en chy.

To The Honorable H. D. K. Morrisson  
Judge of The Circuit Court of Lee Co Va  
In pursuant of an Order, emanating from your  
Honor's Court Dated June The 6<sup>th</sup> 1893. Directing  
us The undersigned commissioners to go upon  
the lands in the bill mentioned. and lay off and  
assign to the parties entitled to said lands.  
We your commissioners proceeded on the 16<sup>th</sup> day  
of August 1893, To Survey lay off and assign to  
those entitled thereto. We began at a Stake 8 feet  
North of a Whiteoak Marked where shown, The original  
corner stood, and Marked on Plat figure 1. and  
Index. and running N 45 E 191 poles. To a Whiteoak  
and Triple Chestnut. (chestnut gone) on Mongom-  
erys line at figure 2. and with said line S 43  $\frac{3}{4}$  E  
160 poles to a Stake, original corner gone, at figure  
3. S 44  $\frac{1}{2}$  W 164 poles to a Stake, Original corner gone,  
at figure 4. N 51  $\frac{1}{2}$  W 145 poles to the beginning  
containing 178 acres. We then proceeded  
to lay off and assign to the parties entitled to  
said lands. We layed off and assigned to Wm  
N. Hobbs. Lot No 1. and is represented on the  
Plat by figures and small letters as follows  
Beginning at a Stake 8 feet north of a Marked Whiteoak



Original corner. at figure 1. and Index. Thence with  
the Original line  $N 45^{\circ} E$  93 poles To a Rock. at letter  
h. Thence leaving said line  $S 36^{\circ} E$  62 poles To g. and Rock  
 $N 51^{\circ} 4' E$  26 poles To a Walnut at f.  $S 28^{\circ} 4' E$  34 poles To a  
Stake in the Spring branch. at e. Then up the branch  
and with the same.  $N 36^{\circ} E$  9 poles To a Stake in the head  
of the Spring at d. Thence  $S 1^{\circ} 4' E$   $12^{\frac{1}{2}}$  poles To a Walnut  
at c.  $S 51^{\circ} W$   $17^{\frac{3}{4}}$  poles To a Whiteoak at b.  $S 36^{\circ} E$  58 poles  
To Rock in the South line of the Original Survey. at a.  
Thence with old lines  $S 44^{\circ} 4' W$  62 poles To a Stake figure  
4.  $N 51^{\circ} 4' W$  165 poles To the begining containing 88 Acres

We layed off, and assigned to Mary E. Hobbs  
W. W. Hobbs and H. M. Hobbs. Lot No. 2 and is  
designated by following figures, and letters. on the  
Platt.

Begining on a Whiteoak and  
Triple Chestnut (Chestnut gone) on Montgomery  
line, at figure 2. on plat, and with said  
line  $N 41^{\circ} 3' E$  160 poles To a Stake. original corner gone  
at figure 3.  $S 44^{\circ} 4' W$  106 poles To a Rock a corner of  
Lot No. 1. at letter a. and with lines of said lot  
 $N 36^{\circ} W$  58 poles To a Whiteoak at b.  $N 51^{\circ} E$   $17^{\frac{3}{4}}$  poles  
To a Walnut at c.  $N 1^{\circ} 4' W$   $12^{\frac{1}{2}}$  poles To the Spring  
at d. Thence down and with the Spring branch  
 $S 36^{\circ} W$  9 poles To a Stake in the branch. at e. Thence  
leaving the branch and crossin the Public Road  
 $N 28^{\circ} 4' W$  34 poles To a Walnut at f.  $S 51^{\circ} 4' W$  26 poles  
To a Rock at g.  $N 36^{\circ} W$  62 poles To a Rock in the North  
line of the old Survey, and with  $N 45^{\circ} E$  93 poles



To The Beginning containing 90 Acres.

We excluded one half acre in Lot No 2 which was formerly given, as we understand, for the purpose of a burying ground, and we considered the Widow Dover, in Lot No 2.

We file a Diagram herewith marked A, making it a part of our report.

All of which is respectfully Submitted  
This the 25 day of August 1893.

C. C. Elliott }  
Wm. M. Speaks } Comrs.  
Thomas Rosenbalm }

Due,

C. C. Elliott S. Com. \$ 6.00

Wm. M. Speaks Com. 2.00

Thomas Rosenbalm Com. 2.00  
Amt, \$ 10.00



Wm M. Hobbs  
vs } Comrs Report of Partition  
Mary E. Hobbs et als

Filed Aug 28<sup>th</sup> 1892

AB Munsey clk

Recorded Deed Book  
No 29 Page 510

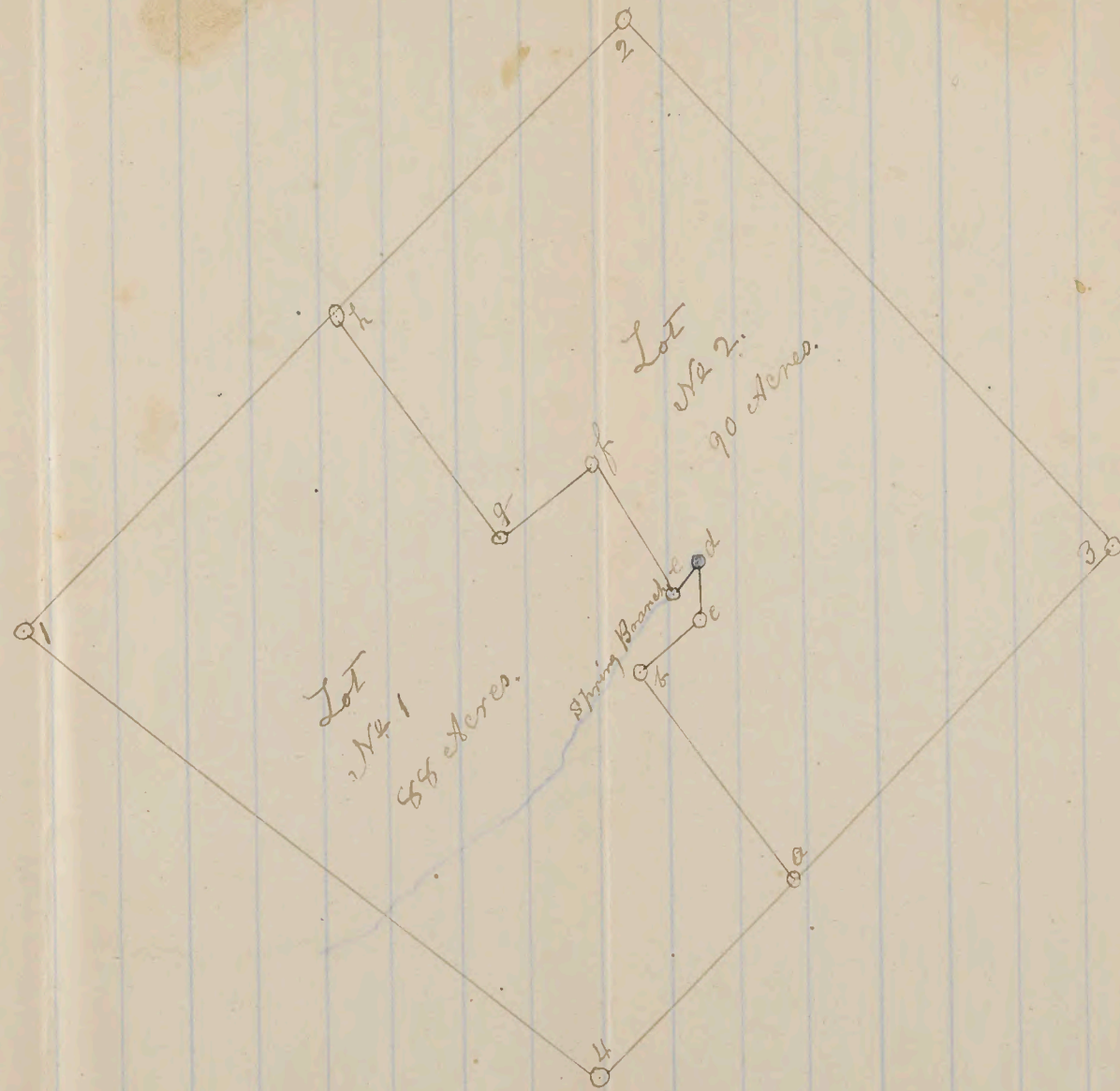
S. V. F. Richmond  
ctk

Fees \$10.00



A

Meridian. 3







This deed made this October 4<sup>th</sup> 1884, between  
James. Bartley and Sarah, his wife of the first  
part and William V. Hobbs and Henry C. Hobbs  
of the second part all of the State  
Virginia, <sup>the said James Bartley and Sarah his wife</sup> witnesseth that for the considera-  
-tion of the sum of Eighteen hundred Dollars  
Twelve hundred Dollars paid: The remaining  
Six hundred Dollars to be paid October 1<sup>st</sup>  
1885 the receipt of which is hereby acknowl-  
-ged do bargain and sell to the said William V.  
and Henry C. Hobbs all their interest and claim  
to a certain piece of land lying and being  
in the County of Lee and State of Virginia upon  
the waters of the Glade Branch adjoining  
the lands of James A. Speak and others to wit  
beginning at a White Oak forked dogwood  
and Hickory. thence S. 41° W. 150 poles to a white  
Oak. Hickory Sapling and Sourwood. N 55° W.  
161 poles to a White Oak and Dogwood on  
the North side of a Bridge. and along the  
same N 42° E. 185 poles to a White Oak and



tripple Chestnut on Montgomery's line  
and with the same S 40° E 147 poles to the  
beginning. Containing by survey and plat  
One hundred and seventy five and one half  
Acres be the same more or less:

and the <sup>said</sup> James Bartley and Sarah his wife  
doth covenant with the said William  
and Henry, C. Hobbs to warrant and  
defend the title to said land with all its  
appertinances thereto belonging free from  
the claim of themselves, their heirs, and  
all persons whomsoever; witness the  
following signatures and seals;

James Bartley   
Sarah <sup>her</sup> Bartley   
<sub>mark</sub>

Virginia Lee County to wit:

I William H. Speak a Notary public for the  
County aforesaid in the State of Virginia do certify that  
James, Bartley whose name is signed to the foregoing deed  
bearing date October 4th 1884 has acknowledged ~~the~~  
the same before me in my County aforesaid:

I do further certify that Sarah, Bartley wife of  
James, Bartley whose names are signed to the

Barandry

forgoing deed bearing date as aforesaid: personally appeared  
before me in my County aforesaid, and being examined  
by me privately and apart from her husband and  
having the writing aforesaid fully explained to  
her. she the said Sarah, Bartley acknowledged the  
said writing to be her act, and declared that  
she had willingly executed the same and does not  
wish to retract it: Given under my hand  
this October 4th 1884  
William H. Speak Notary Public



Deed from

James Bartley and wife

to  
William A. Hobbs and Henry  
C. Hobbs

To Hobbs

Recorded in

Deeds Book

Vol. 25 p. 67.

J. R. Gibson

(A)

7. 186  
6. 125  
\$3.05

Virginia Lee county court clerk's office the 12 day of Feb 1887.

The foregoing deed bearing date Oct. 4<sup>th</sup> 1884 between James Bartley and Sarah his wife of the first part, and William A. Hobbs & Henry C. Hobbs of the second part, all of Lee County Virginia, was this day filed in this office and admitted to record upon the certificate of William H. Speak a Notary Public for Lee County Va.

Teste John R. Gibson Clerk



# The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting :

WE COMMAND YOU TO SUMMON.....

*J. C. Bates, Cassandra  
Bates, Mary E. Hobbs, W. W. Hobbs and  
H. M. Hobbs*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in *May*  
.....next, being rule day to answer a bill in Chancery exhibited in our said Court against

*them* by *William N. Hobbs*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This.....*3rd*.....day of.....*April*.....18*93*.....in the 11*7* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste.....Clerk.



(H. J. M.)

Wm N. Hobbs

3 Spa row

no 3 Chancery

H. C. Bales et al

Lo 1<sup>st</sup> May Rules 1893.

We accept legal  
service of this Sum-  
mons, April 4<sup>th</sup> 1893.

X H C Bales

X Leanda Bales